

DETAILED ACTION

1. This application is in condition for allowance except for the following formal matters: Administrative Requirement as set forth below.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

2. As the application has closed on the merits, applicant is now required to make the submission to comply with the Administrative Requirement as followed: Applicants' compliance will take the form of one of the following actions:

- (1) filing terminal disclaimers in each of the related co-pending applications terminally disclaiming each of the other co-pending applications;
- (2) providing an affidavit attesting to the fact that all claims in the co-pending applications have been reviewed by applicant and that no conflicting claims exists between the applications; or
- (3) resolving all conflicts between claims in the identified co-pending applications by identifying how all the claims in the instant application are distinct and separate inventions from all the claims in the identified co-pending applications.

Art Unit: 2438

3. An examiner's amendment to the record appears below. Authorization for this examiner's amendment was given in a telephone interview with Thomas J. Scott Jr. on 9/23/09.

The application has been amended as follows:

Claim 3 (Currently Amended) A method of processing signals to select at least one datum with independent receiver specific relevance at a receiver station and deliver at said receiver station a receiver specific programming presentation, said receiver station having a computer and an output device, wherein said computer has a memory location for storing data and said output device outputs at least one of video, audio, and hardcopy, said method comprising the steps of:

receiving an information transmission from a remote station and passing at least a portion of said information transmission to said computer, said information transmission including data and at least one instruct signal;

detecting ~~an instruct to select~~ said at least one instruct signal in said information transmission;

processing said data at said computer and selecting causing said computer to select a plurality of subscriber data by processing at said receiver station said at least one instruct signal received in said information transmission from said remote station;

storing said selected plurality of subscriber data at said memory location at said receiver station;

receiving mass medium programming from a programming source and outputting said mass medium programming at said output device;

selecting causing said computer to select subscriber information to output based on as a result of processing at said receiver station said step of storing selected and stored plurality of subscriber data; and

outputting at least one of a simultaneous presentation and a sequential presentation of said mass medium programming and said selected subscriber information.

Claim 27 (Currently Amended) A method of controlling at least one of a plurality of receiver stations each of said plurality of receiver stations including one of a broadcast signal receiver and a cablecast signal receiver, at least one processor, at least one stored subscriber datum with independent receiver specific relevance, and a signal detector, wherein said signal detector is adapted to receive signals from one of a broadcast signal and a cablecast signal, and wherein said at least one processor is programmed to respond to signals from said signal detector, said method comprising the steps of:

(1) receiving at one of either a broadcast transmitter station and or a cablecast transmitter station at least one instruct signal which is effective at said at least one of said plurality of receiver stations to cause said at least one processor to select said at least one subscriber datum for, said at least one subscriber datum being

processed at said at least one of said plurality of receiver stations to output at least one of simultaneous presentation and sequential presentation with mass medium programming;

(2) transferring said at least one instruct signal from said one of said broadcast transmitter station and said or cablecast transmitter station to a transmitter;

(3) receiving at least one control signal at said one of said broadcast transmitter station and said or cablecast transmitter station, wherein said at least one control signal identifies at least one specific receiver station device to which said at least one instruct signal is addressed; and

(4) transferring said at least one control signal from said ~~one of said~~ broadcast transmitter station ~~and said~~ or cablecast transmitter station to said transmitter, said ~~one of said~~ broadcast transmitter station ~~and said~~ or cablecast transmitter station ~~one of broadcasting and cablecasting~~ transmitting said at least one instruct signal and said at least one control signal to said at least one of said plurality of receiver stations.

Claim 32 (Currently Amended) The method of claim 27, said method further comprising at least one of:

transmitting to said at least one of said plurality of receiver stations at least one of data that:

(a) designate at least one of a time of transmission and a channel of transmission of said at least one instruct signal; and

(b) specify at least one of a title of and a subject matter included in at least one of said mass medium programming and said data associated with said at least one instruct signal; and

transmitting to said at least one of said plurality of receiver stations a first control signal to cause said at least one of said plurality of receiver stations to tune to one of a broadcast transmission and a cablecast transmission including a specific instruct signal.

Claim 47 (Currently Amended) A method of processing signals to deliver a receiver specific programming presentation at a receiver station, said receiver station having a computer and an output device, with said computer having a memory location for storing data and said output device outputting at least one of video, audio, and hardcopy, said method comprising the steps of:

receiving a data transmission containing at least one embedded signal from a remote data source and passing said data transmission to said computer; processing said data transmission at said computer; and selecting causing said computer to select at said receiver station one or more data of interest from said data transmission in response to said at least one embedded signal;

storing said selected one or more data of interest at said memory location at said receiver station;

receiving mass medium programming from a programming source ~~and outputting~~ said mass medium programming at said output device;

selecting causing said computer to select designated information to output, said designated information being the product of processing at least a portion of said selected and stored data of interest;

detecting an instruct signal; and

~~outputting a simultaneous or sequential presentation of said mass medium program programming and said designated output information in response to said instruct signal.~~

Claim 49 (Currently Amended) The method of claim 47, ~~wherein said step of outputting a simultaneous or sequential presentation of said mass medium programming and said designated information is performed in response to a command, said method further comprising one or more of the steps of:~~

inputting a subscriber command at said receiver station; and

detecting at said receiver station a command communicated from a remote station.

Allowable Subject Matter

4. Claims 3-12, 27-34 and 47-50 are allowed.

5. The following is an examiner's statement of reasons for allowance: The present invention is directed to an integrated system of methods and apparatus for communicating programming. In particular, the present invention provides a capacity to operate under the control of instructions transmitted by broadcasters (Specification: page 6, lines 13-14). Each independent claim (i.e. claims 3, 27 and 47) identifies the uniquely distinct features of causing the computer of the viewer's receiver station to select a plurality of subscriber data by processing at the receiver station the at least one instruct signal received in the information transmission from the remote station; storing the selected plurality of subscriber data at the memory location at the receiver station and causing the computer of the viewer's receiver station to select subscriber information to output as a result of processing at the receiver station the selected and stored plurality of subscriber data. The prior arts of record fail to anticipate or render the above limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Minh Dieu Nguyen/
Primary Examiner, Art Unit 2438